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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 08-0025 WHA |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | THE PARTIES' JOINT REQUEST TO |
| |) | CONTINUE SENTENCING HEARING AND |
| |) | [PROPOSED] ORDER |
| REMSEN BENEDICT |) | |
| |) | |
| Defendant. |) | |

The parties jointly request that, subject to the Court's approval, the sentencing hearing presently set for July 29, 2009, be continued until September 21, 2009, at 2:00pm. The parties have learned that the Court is available for a hearing on that date. The assigned probation officer, Joshua Sparks, also has been consulted with respect to this date and has indicated that he is available on that date. The basis of the parties' joint request is set out in more detail below.

The defendant Remsen Benedict pled guilty without a plea agreement on September 2, 2008, to one count of receiving child pornography, in violation of 18 U.S.C. §2252(a)(2). The case was referred to the Probation Office for a presentence report, which has been prepared.

The parties have both retained expert witnesses who will testify at the sentencing hearing. After the hearing was set for July 29, 2009, both parties learned that their expert witnesses would

1 not be available on that date, and defense counsel learned that he is required to appear in state
2 court on that date to continue a six-defendant preliminary hearing in a potential capital case.
3 Given these scheduling conflicts, the parties would like to continue the sentencing until
4 September 21, 2009, when the parties, their expert witnesses, the Court, and Probation will all be
5 available.

6 For these reasons, the parties jointly request that this Court vacate the sentencing hearing
7 presently set for July 29, 2009, and set a sentencing hearing for September 21, 2009, at 2:00pm.

8 SO STIPULATED.

9
10 Dated: July 22, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

11
12 /s/

13 _____
OWEN P. MARTIKAN
Assistant United States Attorney

14
15 /s/

16 Dated: July 22, 2009

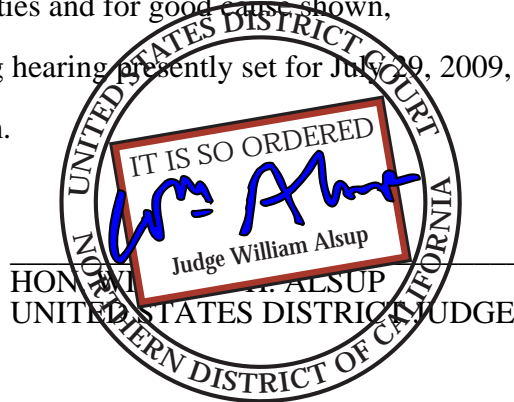
17 _____
GEORGE C. BOISSEAU
Attorney for defendant
Remsen Benedict

[PROPOSED] ORDER

Pursuant to the stipulation of the parties and for good cause shown,

IT IS ORDERED that the sentencing hearing presently set for July 29, 2009, be continued to September 21, 2009, at 2:00pm.

Dated: July 24, 2009



HONORABLE WILLIAM A. ALSUP
UNITED STATES DISTRICT JUDGE